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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): CURTIN 16 (20-144)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

Application Number	Filed
09/747,937	December 27, 00

First Named Inventor: CURTIN

Art Unit	Examiner
2621	SHIBRU, Helen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Registration number 36,457
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature

William H. Bollman
Typed or printed name

202-261-1054
Telephone number

January 11, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: **09/747,937**
Filed: **December 27, 2000**
Group Art Unit: **2621**
Examiner: **SHIBRU, Helen**
Atty Dkt No.: **CURTIN 16**
Our Ref.: **20-144**

In re Patent Application of:

CURTIN

Title: **ELECTRONIC WRITE PROTECT DETECTION FOR VIDEO TAPE RECORDERS**

January 11, 2007

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Final Office Action dated August 8, 2006 and the Advisory Action dated December 1, 2006, please enter the following remarks in the subject application:

The Examiner continues to frustrate the Applicant with a rejection that fails to address all of the Applicant's claimed features and continues to misinterpret the prior art, even after the Applicants pointed out what the prior art is actually doing.

REMARKS

Claims 1-22 remain pending in the application and stand rejected by the Examiner.

Claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22 over Okamoto

Claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22 were rejected under 35 USC 102(b) as allegedly being anticipated by U.S. Pat. No. 5,627,655 to Okamoto et al. ("Okamoto"). The Applicant respectfully traverses the rejection.

Claims 1, 3 and 5-8 recite a pre-existing electronic information signal detection element to read a pre-existing electronic information signal stored on a given storage media; and a record circuit, adapted to record on the given storage media, to deactivate at least one record/play element based on a mere existence of a pre-recorded signal already recorded on the given storage media, as detected by a pre-existing information signal detection element. Claims 9, 11, 13-16, 18, 20 and 22 recite a system and method of detecting a pre-existing video signal from a given video tape and deactivating a record circuit in a video cassette player based on a mere existence of a pre-existing video signal already recorded on the given video tape.

Thus, claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22 recite a system and method of detecting a pre-existing video signal from a given storage media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media.

The Applicant previously pointed out that Okamoto relies on a "control signal" as described throughout the specification to prevent copying/reproducing. Okamoto lacks the ability to control copying/reproducing based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, as recited by claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22. The Examiner has failed to address much less refute Applicant's previous arguments that Okamoto relies on a "control signal" as input on analog input 12 to control copying/reproducing. As such, Applicant traverses

the Official Action dated August 8, 2006 as incomplete because it failed to answer the material traversed. (See MPEP §707.07(f) "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."). Because the Final Office Action dated August 8, 2006 is incomplete, the Applicant respectfully contended that the Examiner must withdraw the Finality of the Office Action to address all of the Applicant's arguments. The Examiner continues to ignore the fact that the Examiner has failed to address all of Applicant's claimed features. Thus, the Examiner's rejection based on anticipation is improper and must be withdrawn.

In response to Applicant's previous arguments that Okamoto fails to disclose detection and deactivation being performed for the same storage media, the Examiner contended in the Response to Arguments section of the Final Office Action dated August 8, 2006 that "Okamoto discloses a recording/reproducing control circuit for controlling recording/reproducing operation. Okamoto discloses the analog signal is recorded (see col. 3 lines 1-5). Okamoto further discloses a control signal detection circuit for detecting a control signal contained in the analog video signal. Okamoto further discloses control information is recorded on the magnetic tape. Okamoto further discloses in the control signal detection circuit, copy information contained in the analog video signal is detected. Okamoto further discloses inhibition of copy is performed in accordance with contents of copy information (see col. 3 lines 12-25)."

Thus, from all of the Examiner contentions of what Okamoto allegedly discloses the Examiner fails to show that Okamoto discloses detection and deactivation being performed for the same storage media. Okamoto's invention is directed toward preventing copying/reproducing of video signals. Even from all of the Examiner's comments about Okamoto, the Examiner points out that Okamoto's invention is directed toward preventing copying/reproducing of video signals. Okamoto's copying/reproducing entails two storage media, the storage media that a video signal will be recorded on (magnetic tape 14), i.e., a blank tape, and a second storage media (not shown but providing a video signal

on input 12) that contains the video signal to be copied/reproduced, i.e., the original content tape. Okamoto does not disclose copying/reproducing being performed on the same storage media. Thus, Okamoto fails to disclose detection and deactivation being performed for the same given storage media, as recited by claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22.

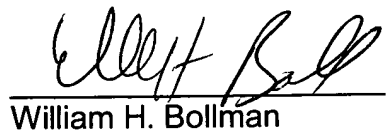
A benefit of a system and method of detecting a pre-existing video signal from a given storage media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media is, e.g., preventing accidental overwriting of information on a storage media. In many instances a user may have forgotten that valuable information had already been recorded on a storage media. A user may then attempt to record on the storage media, without the intent of losing the valuable information. The claimed features prevent a user from overwriting the valuable information. Okamoto's invention is directed toward preventing copying/reproducing a video signal, i.e., lacking any application toward preventing a user from overwriting valuable information.

For these and other reasons, claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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